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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,727	03/16/2004	Urs Inglin	Q84256	1854

23373 7590 07/11/2006

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WASHINGTON, DC 20037

EXAMINER
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NGUYEN, TUAN N

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/801,727		INGLIN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tuan N. Nguyen		3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of the invention of Group I: claims 1-15 in the reply filed on 4/17/06 are acknowledged. Accordingly, claims 16-18 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### ***Claim Objections***

2. Claims 2-10, 11, and 13 are objected to because of the following informalities: "deodorizing" in line 1 of claim 2 apparently is misspelled; "the cover" in line 2 of claim 9 lack antecedent basis in the claim; and "downwardly" in line 1 of claim 10 apparently should be --a downwardly--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Grady.

In regard to claim 1, O'Grady discloses an odor trap capable of being used for a waterless or low-flush urinal having a basin-shaped housing (A) which is connected on an upper end to an inlet (see Fig. 1) and on a lower end to an outlet (C) that inherently leads to a drain line, a siphon inherently created by the structure of the trap that

prevents the passage of gas from the outlet to the inlet, and deodorizing means (within D) located underneath the inlet in an essentially dry area.

In regard to claim 2, the deodorizing means is a deodorizing insert (see col. 1, line 29 et seq.).

In regard to claims 3 and 8, the deodorizing insert is located under a cover (see Fig. 1, the threaded cover at the top). The outside of the deodorizing insert together with the cover form a circulation space (the space above a) for un-deodorized air.

In regard to claims 6 and 7, the deodorizing insert sits on a screen (the wall where perforations c are formed is considered as a screen). The screen, on the underside thereof, has backwater means (B), by which ascending odors can be deflected outwardly as it comes down from the path defined between (A) and (D).

In regard to claim 9, the deodorizing insert is held in place by fins (see Fig. 1, the protrusions of the thread on the cover at the top are considered as fins) on the cover.

In regard to claim 10, the trap further includes a downwardly extending inlet pipe (the inner wall of D) located underneath the inlet.

In regard to claim 12, below the inlet, there are circulation openings (see Fig. 3, about E) through which ascending air can circulate.

In regard to claim 13, the deodorizing insert is located in a replaceable siphon insert (D).

4. Claims 1-5, 10, 11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller.

In regard to claim 1, Keller discloses an odor trap (Figs. 3, 5, 7) for a waterless or low-flush urinal having a basin-shaped housing (17) which is connected on an upper end to an inlet (see Fig. 1) and on a lower end to an outlet that leads to a drain line, a siphon (see Fig. 3) that prevents the passage of gas from the outlet to the inlet, and deodorizing means (41 abuts the mouth to eliminate or prevent offensive odor from escaping into the air above the urinal) located underneath the inlet in an essentially dry area.

In regard to claim 2, the deodorizing means is a deodorizing insert (the insert 41 abuts the mouth of the inlet).

In regard to claim 3, the deodorizing insert is located under a cover (29).

In regard to claims 4 and 5, the deodorizing insert is a solid body, which is considered as a deodorizing block that abuts the mouth of 29 to eliminate or prevent offensive odor from escaping into the air above the urinal.

In regard to claims 10 and 11, the trap further includes a downwardly extending inlet pipe (the inlet pipe where 41 abuts) located underneath the inlet. Wherein the inlet pipe has a mouth on a lower end, below which there is an upwardly curving wall formed by member (41) of a dip tube (33) (see Fig. 7).

In regard to claims 14 and 15, the inlet is located in a collecting basin (see Fig. 5, about 29) which is inserted into a urinal basin. On the underside of the collecting basin, there is a siphon insert (33), which forms a replaceable unit with the collecting basin.


**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The non-applied references cited disclose other odor prevention trap and disinfectant within a pipe.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tuan Nguyen  
Primary Examiner  
Art Unit 3751  
6/25/06

TN